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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/730,365

Applicant(s)

HUGHES ET AL.

Examiner

Glenford Madamba

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to remarks and claim amendments filed by Applicant's representative on January 21, 2009.

Response to Remarks and Arguments

1. With respect to Applicant's latest submission, the Office has given consideration to the remarks filed on January 21, 2009, but has deemed the arguments unpersuasive and/or insufficient to overcome the current rejection of the claims in view of the applied prior art reference(s) of the previous Office action, as will be discussed below.

With respect to the claims, and claim 1 in particular, Applicant firstly remarks that in Strasser, "a transport stream parser receives a multiple program transport stream that includes multimedia data packets from multiple programs. The multiple program transport stream organizes the programs serially, and the transport stream parser synchronizes the multiple program transport stream with a program clock reference and selects *only* data packets that pertain to a subset of the data for a single program transport stream to produce a resulting single program transport stream synchronized with the system clock." Applicant thus remarks that "since the data packets that do not pertain to the selected subset are dropped, the single program transport stream does not include all of the data that was in the multiple program transport stream."

In response to the remark, the Office firstly asserts that Strasser appropriately and sufficiently addresses the recited claim feature of receiving and processing "first content containing first content portions..." as required. The Office notes that there is nothing in the present language of the claim recitation to exclude or disqualify Strasser's disclosed embodiment from reading on the present claim requirements. The claim in its current form requires, at most, "receiving first content containing first content portions....", and this is expressly and accordingly disclosed by Strasser. Further, the claim recitation of "first content" is broad and does not distinguish between 'content' such as a multi-media data stream that is of a 'multiplexed data stream' type' and carries information regarding various programs of multimedia data, or a 'single program data stream' associated with a single multimedia channel, for example. In this regard, Applicant is reminded that in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dropping /maintaining of select subsets of data packets) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues that neither Strasser nor Kelly teaches or discloses particular features of the claim, such as a "plurality of presentation groups in the first content, and generating a private transport packet that includes metadata from at least some of the first content portions in the presentation group". The Office respectfully

disagrees and submits that Applicant has misinterpreted and/or not fully considered all of the teachings and disclosures of the applied prior art reference(s).

In support of his argument, Applicant remarks that while Kelly discloses a method for producing an edited audio/video stream from first and second streams recorded in a transport-stream format in broadcasting applications, including key features such as a 'transport stream' comprising a continuous stream of transport packets (T-PKTs), a header portion including a PID field, and a payload portion (e.g., "DAT-0...DAT-N"), "the Program-1 Transport Packets (T-PKTs) are not generated, but rather the Program-1 Transport packets are part of the transport stream." Applicant also remarks that Kelly teaches that "the DAT-0 to DAT-N payload portion of the T-PKT is the data in the T-PKT, not 'metada'. The Office respectfully disagrees.

In response to the argument, the Office remarks and asserts that the above argued features are at taught and expressly disclosed by at least Kelly. For example, Kelly expressly discloses and teaches generating, from an input transport stream comprising T-PKTs, a 'packetized elementary stream' of transport packets (PES-PKT) which may be a 'video', 'audio', or 'private' stream type. In this regard, Kelly further and significantly teaches and discloses the feature of 'presentation time stamps' (PTS), which specifies the time with reference to a system clock at which a 'Presentation Unit' (i.e., pictures, audio frames, etc.) beginning in the present PES packet is due to be presented [0067-0068] [Fig. 7]. Kelly discloses that the 'presentation unit' may be

embodied as a 'picture' or 'group of pictures' (GOP), wherein each may be preceded by a picture start code (PSC) or by a group start code (GSC), respectively. The argued features of a plurality of 'presentation groups in a first content' and the generation of "respective private transport packets" is thus expressly disclosed by at least Kelly. The Office also asserts and notes with emphasis that the additional argued feature of the private transport packet "including metadata derived from at least some of the first content portions in the presentation group" is also expressly disclosed by Kelly (e.g., "Creation of Simple Edits", which includes the storing of 'metadata' {e.g., 'pointers' associated with the logical address of the content data or 'offset' presentation information} as part of the playlist for the 'edited' recording) [0084-0085].

Further, with respect to the claim, Applicant thirdly argues that Strasser 'teaches away' from the presently claimed invention. Specifically, Applicant alleges that a person of ordinary skill in the art considering the Strasser reference in view of the Kelly reference would "produce a single program transport stream from a multiple program transport stream by dropping data packets from the multiple program transport stream; thus, the Strasser reference teaches away from the presently claimed invention of "creating second content by combining the first content and the private transport packet for each presentation group". Applicant also remarks that a person of ordinary skill in the art would be 'discouraged' from creating second content by combining the first content and the private transport packet for each presentation group, and Strasser thus fails to provide a basis for a rejection under 35 U.S.C. § 103, at least because Strasser

teaches away from "creating second content by combining the first content and the private transport packet for each presentation group", and is an improper basis for rejecting Applicants' claims.

However, In response to the argument, the Office notes that Applicant's remarks regarding the newly recited feature of "creating second content by combining the first content and the private transport packet for each presentation group" is directed towards a claim feature or limitation which constitutes an 'amendment' to original claim 1, thus changing the scope of original claim. Without commenting to Applicant's specific remarks regarding Strasser teaching away from this amended feature at this time, the Office accordingly considers and identifies the above said limitation as part of the 'amendment' to original claim 1, and properly addresses it in the following section below.

Response to Claim Amendments

2. With respect to Applicant's latest submission, the Office has given consideration to the claim amendments filed on January 21, 2009, but has deemed the latest set of amended claims moot in light of the following grounds of rejection provided below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9, 12-13, 15, 18-19, 22-23, 26, 28, 29-31, 33, 35-36, 42-45, 47, 49 and 56-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser et al (hereinafter Strasser), U.S. Patent Publication Us 2003/0185238 A1 in view of Kelly et al (hereinafter Kelley), U.S. Patent Publication US 2006/0093315 A1.

As per claims 1, 3, 18, 56, 57, 60, 61 and 63, Strasser in view of Kelly discloses a method for processing media data, the method comprising:

receiving first content containing first content portions, the first content encoded according to a first content format (e.g., Multiple Program Transport Stream 105);

analyzing the first content to detect sets of related first content portions (e.g., via Transport Stream Parser 110), each set defining a presentation group (e.g., 'portions' of Programs P0 or P1 or P2 orPn, having a "common" PID or attribute, such as P0₁, P0₂, P0₃, ...P0_n) [0024] [Fig. 2];

generating a private transport packet for each of a plurality of the presentation groups (Kelly: e.g., a 'private' type PES-PKT) [0067] (i.e., as indicated by a "Transport_Private_Data_Flag") [Appendix A], each private transport packet including metadata derived from at least some of the first content portions in the presentation group (Kelly: i.e., 'metadata', such as attached or generated 'presentation time stamps' {PTS} or 'pointers' pointing to the logical address of the data) [0067] [0084], the metadata containing information allowing modified production of the first content in a manner that is different than an first production of the first content defined by the first content format (Kelly: e.g., metadata including 'pointers' and/or 'offset presentation time' information) [0084-0085] [Figs. 5 & 7];

creating second content by combining the first content and the private transport packet for each presentation group (Kelly: e.g., 'new data stream' or 'edited data stream') [0053-0054] (e.g., 'Private-Type' Packetized Elementary Stream, comprising PES-PKTs including 'generated' Presentation Timestamps {PTS}, pointers, or offset presentation time information) [0067-0068] [0084-0085][Fig.7]; and

storing the second content (Kelly: e.g., storing program data such as a video or picture bit-stream along with the 'metadata') [0084-0085].

With regards to the claim, while Strasser discloses substantial features of the invention, as above, the additionally recited features of generating a private transport packet for each of a plurality of the presentation groups , each private transport packet including metadata derived from at least some of the first content portions in the

presentation group, the metadata containing information allowing modified production of the first content in a manner that is different than an first production of the first content defined by the first content format; creating second content by combining the first content and the private transport packet for each presentation group; and storing the second content are taught by Kelly in a related endeavor.

Kelly discloses as his invention various methods for producing an edited MPEG audio/video stream from first and second streams recorded in a transport stream format normally intended for broadcast purposes [Abstract]. Specifically, Kelly discloses the additionally recited features of generating a private transport packet for each of a plurality of the presentation groups (Kelly: e.g., a 'private' type PES-PKT) [0067] (i.e., as indicated by a "Transport_Private_Data_Flag") [Appendix A], each private transport packet including metadata derived from at least some of the first content portions in the presentation group (Kelly: i.e., 'metadata', such as attached or generated 'presentation time stamps' {PTS} or 'pointers' pointing to the logical address of the data) [0067] [0084], the metadata containing information allowing modified production of the first content in a manner that is different than an first production of the first content defined by the first content format (Kelly: e.g., metadata including 'pointers' and/or 'offset presentation time' information) [0084-0085] [Figs. 5 & 7];

creating second content by combining the first content and the private transport packet for each presentation group (Kelly: e.g., 'new data stream' or 'edited data stream') [0053-0054] (e.g., 'Private-Type' Packetized Elementary Stream, comprising

PES-PKTs including 'generated' Presentation Timestamps {PTS}, pointers, or offset presentation time information) [0067-0068] [0084-0085][Fig.7]; and

storing the second content (Kelly: e.g., storing program data such as a video or picture bit-stream along with the 'metadata') [0084-0085].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify and/or combine Strasser's invention, with the above said features, as disclosed by Kelley, for the motivation of providing a smooth playback of edited audio/video data streams in a transport stream format [0001] [0007].

Claims 3, 18, 56, 57, 60, 61 and 63 recite the same limitations as claim 1, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 2, 28, 42, 58 and 59, Strasser in view of Kelly discloses a method for presenting content to a client device, the method comprising:

receiving second content containing first content portions arranged as a series of presentation groups (e.g., Time Stamped SPTS 145), and a private transport packet associated with each of at least some of the presentation groups, each private transport packet (Kelly: e.g., 'Program 1' Transport packets "T-PKTs") containing

metadata (Kelly: e.g., DAT-0.....DAT-N) (Presentation Time Stamps {PTS}) that allows modified production of the first content in a manner that is different than a first production of the first content defined by the first content format [Kelley: Fig. 7];

producing a content stream for presentation to the client device using the metadata contained in at least one of the private transport packets associated with at least some of tile presentations groups of the first content portions in the second content to produce a modified production of at least one of the first content portions in a manner that is different that the first production of the first content defined by the first content format (e.g., Reconstructed SPTS 325) [Figs. 3 & 4]; and

presenting the content stream to the client device (e.g., CPU 107).

With regards to the claim, while Strasser discloses substantial features of the invention, as above, the additionally recited feature of wherein at least some of the presentation groups including a respective associated private transport packet containing metadata that allows modified production of the first content in a manner that is different than a first production of the first content defined by the first content format is taught by Kelly in a related endeavor.

Kelly discloses as his invention various methods for producing an edited MPEG audio/video stream from first and second streams recorded in a transport stream format normally intended for broadcast purposes [Abstract]. Specifically, Kelly discloses the additionally recited feature of wherein at least some of the presentation groups including a respective associated private transport packet (Kelly: e.g., 'Program 1' Transport

packets "T-PKTS") containing metadata (Kelly: e.g., DAT-0.....DAT-N) (Presentation Time Stamps {PTS}) that allows modified production of the first content in a manner that is different than a first production of the first content defined by the first content format [Kelley: Fig. 7].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify and/or combine Strasser's invention, with the above said feature, as disclosed by Kelley, for the motivation of providing a smooth playback of edited audio/video data streams in a transport stream format [0001] [0007].

Claims 28, 42, 58 and 59 recite the same limitations as claim 2, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 4, 19, 26, 29, 35, 36, 43, 49, 62 and 64, Strasser in view of Kelly discloses a method as in claim 3, wherein generating metadata includes:

generating metadata that i.) supports navigation among different portions of the logical data stream in response to commands received from remote users each playing back at least a portion of the logical data stream substantially in real-time (e.g., SPTS 115 'data packets' with various PID values, including 'navigation' and/or 'remapping' data) [0019]; and ii.) enables serial streaming of non-contiguous portions of the logical data stream in response to commands from remote users

requesting presentation of the logical data stream in a different manner than originally supported by a content format of the logical data stream [Kelley: e.g., New Playback Sequence 'PBS' via Playback Control Program 'PBC') [0051-0054] [Figs. 3-5 & 7].

With regards to the claim, while Strasser discloses substantial features of the invention, as above, the additionally recited feature of generating metadata which enables serial streaming of non-contiguous portions of the logical data stream in response to commands from remote users requesting presentation of the logical data stream in a different manner than originally supported by a content format of the logical data stream [Kelley: 0051-0054] [Figs. 3-5 & 7] is taught by Kelly in a related endeavor.

Kelly discloses as his invention various methods for producing an edited MPEG audio/video stream from first and second streams recorded in a transport stream format normally intended for broadcast purposes [Abstract]. Specifically, Kelly discloses the additionally recited feature of generating metadata which enables serial streaming of non-contiguous portions of the logical data stream in response to commands from remote users requesting presentation of the logical data stream in a different manner than originally supported by a content format of the logical data stream [Kelley: e.g., New Playback Sequence 'PBS' via Playback Control Program 'PBC') [0051-0054] [Figs. 3-5 & 7].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify and/or combine Strasser's invention, with the above said feature, as

disclosed by Kelley, for the motivation of providing a smooth playback of edited audio/video data streams in a transport stream format [0001] [0007].

Claims 19, 26, 29, 35, 36, 43, 49, 62 and 64 recite the same limitations as claim 4, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 9 and 22, Strasser in view of Kelly discloses a method as in claim 3, wherein the data content is formatted according to MPEG (Moving Picture Experts Group) (e.g., Multimedia data stream includes an MPEG Type Transport Stream) [Claim 19, page 6].

As per claims 12, 23, 31 and 45, Strasser in view of Kelly discloses a method as in claim 3, wherein generating metadata includes: generating time stamps for portions of the logical data stream to support replaying the logical data stream later in time (e.g., creating / generating Time Stamps) [Abstract].

Claims 23, 31 and 45 recite the same limitations as claim 12, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claim 13, Strasser in view of Kelly discloses a method as in claim 12 further comprising: inserting the generated time stamps in relation to corresponding portions of the logical data stream (e.g., Time Stamped Transport Stream 145) [Fig. 2].

As per claims 15, 33, and 47, Strasser in view of Kelly discloses a method as in claim 14 further comprising: removing the metadata prior to transmitting the logical data stream to the receiver (e.g., Reconstructed SPTS 325) [Fig. 4].

Claims 33 and 47 recite the same limitations as claim 15, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 30 and 44, Strasser in view of Kelly discloses a method as in claim 28 further comprising: streaming first portions of the enhanced logical data stream for presentation of corresponding data content to the client while simultaneously streaming second, different portions of the logical data stream for presentation of corresponding data content to another client.

With regards to the claim, while Strasser discloses substantial features of the invention, as above, the additionally recited feature of the method further comprising streaming first portions of the enhanced logical data stream for presentation of corresponding data content to the client while simultaneously streaming second,

different portions of the logical data stream for presentation of corresponding data content to another client is taught by Kelly in a related endeavor.

Kelly discloses as his invention various methods for producing an edited MPEG audio/video stream from first and second streams recorded in a transport stream format normally intended for broadcast purposes [Abstract]. Specifically, Kelly discloses the additionally recited feature of the method further comprising streaming first portions of the enhanced logical data stream for presentation of corresponding data content to the client while simultaneously streaming second, different portions of the logical data stream for presentation of corresponding data content to another client [Kelley: e.g., transmitting Original File Sequence and /or 'New Data Stream' or 'New PBC Programs') [0052-0053] [Figs. 3-5].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify and/or combine Strasser's invention, with the above said feature, as disclosed by Kelley, for the motivation of providing a smooth playback of edited audio/video data streams in a transport stream format [0001] [0007].

Claim 44 recites the same limitations as claim 30, is distinguished only by their statutory category, and thus rejected on the same basis.

3. Claims 5, 20 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser et al (hereinafter Strasser), U.S. Patent Publication Us 2003/0185238 A1 in view of Kelly et al (hereinafter Kelley), U.S. Patent Publication US 2006/0093315 A1 and in further view of Barton et al (hereinafter Barton), U.S. Patent 6,233,389 B1.

As per claims 5, 20 and 50, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 3 further comprising:

creating at least one retrievable file formatted to include analyzed portions of the logical data stream and corresponding generated metadata (e.g., Time Stamped SPTS 145) [Fig. 3];

for storage in proximity to a first portion of the logical data stream (e.g. Storage 310), generating a pointer identifying a relative location of a second portion of the logical data stream (Barton: e.g., pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Fig. 4]; and

storing the pointer in relation to the first portion of the data stream (Barton: e.g., pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Fig. 4].

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of generating a pointer identifying a relative location of a second portion of the logical data stream; and storing the pointer in relation to the first portion of the data stream is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of generating a pointer identifying a relative location of a second portion of the logical data stream; and storing the pointer in relation to the first portion of the data stream (e.g., pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Fig. 4].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 20 and 50 recite the same limitations as claim 5, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 6, 14, 24, 34 and 48, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 5 further comprising: interleaving the pointer between portions of the logical data stream at an access point including a data field in a known position relative to the first portion of the logical data stream.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising interleaving the pointer between portions of the logical data stream at an access point including a data field in a known position relative to the first portion of the logical data stream is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method further comprising interleaving the pointer between portions of the logical data stream at an access point including a data field in a known position relative to the first portion of the logical data stream (e.g., 'interleaved' video and audio segments with pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Figs. 3 & 4].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 14, 24, 34 and 48 recite the same limitations as claim 6, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 7 and 21, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 3 further comprising:

buffering contiguous portions of the logical data stream (Barton: e.g., Audio, Video and/or Private Data Packet Buffers 410-413) [col 4, L55 – col 5, L2] [col 5, L51 – col 2, L11] [Fig. 4];

generating multiple pointers based on the relative positions of each of multiple portions of the logical data stream (Barton: e.g., pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Fig. 4]; and

inserting the pointers at predetermined data fields interleaved among portions of the logical data stream (Barton: e.g., 'interleaved' video and audio segments with pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Figs. 3 & 4].

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising buffering contiguous portions of the logical data stream; generating multiple pointers based on the relative positions of each of multiple portions of the logical data stream; and inserting the pointers at predetermined data fields interleaved among portions of the logical data stream is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user

is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method further comprising buffering contiguous portions of the logical data stream (Barton: e.g., Audio, Video and/or Private Data Packet Buffers 410-413) [col 4, L55 – col 5, L2] [col 5, L51 – col 2, L11] [Fig. 4]; generating multiple pointers based on the relative positions of each of multiple portions of the logical data stream (Barton: e.g., pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Fig. 4]; and inserting the pointers at predetermined data fields interleaved among portions of the logical data stream (e.g., 'interleaved' video and audio segments with pointers 406, 408, etc) [col 4, L55 – col 5, L2] [Figs. 3 & 4].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claim 21 recites the same limitations as claim 7, is distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 8, 37 and 51, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 7 further comprising:

utilizing the pointers on playback of the logical data stream to determine which portion of the logical data stream is streamed to a user (Barton: e.g., pointers

406-409) [col 4, L23 - col 5, L2] [Figs. 3 & 4] in response to receiving a command (Barton: e.g., User Control Commands, such as reverse, fast forward, play, pause, index, etc.) [col 2, L32-38] from the user to which the logical data stream is transmitted.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising utilizing the pointers on playback of the logical data stream to determine which portion of the logical data stream is streamed to a user in response to receiving a command from the user to which the logical data stream is transmitted is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method further comprising utilizing the pointers on playback of the logical data stream to determine which portion of the logical data stream is streamed to a user (Barton: e.g., pointers 406-409) [col 4, L23 - col 5, L2] [Figs. 3 & 4] in response to receiving a command (Barton: e.g., User Control Commands, such as reverse, fast forward, play, pause, index, etc.) [col 2, L32-38] from the user to which the logical data stream is transmitted.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping

system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 37 and 51 recites the same limitations as claim 8, are distinguished only by their statutory category, and thus rejected on the same basis.

As per claims 10, 17 and 27, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 5 further comprising:

storing the file along with similarly formatted files in a semiconductor chip-based memory storage system [Barton: col 6, L59 – col 7, L11] [Fig. 7]; and streaming the files and data content therein to receiver devices (e.g., display 14) [0046] that play corresponding logical data streams in real-time (e.g., Real Time File {RTF}) [0051] [Fig. 3].

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising further comprising storing the file along with similarly formatted files in a semiconductor chip-based memory storage system is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user

is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method further comprising further comprising storing the file along with similarly formatted files in a semiconductor chip-based memory storage system [col 6, L59 – col 7, L11] [Fig. 7].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 17 and 27 recite the same limitations as claim 10, are distinguished only by statutory category, and thus rejected on the same basis.

As per claims 38 and 52, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 37, wherein the input from the client indicates to fast forward presentation of data content in the enhanced logical data stream to the client.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method wherein the input from the client indicates to fast forward presentation of data content in the enhanced logical data stream to the client is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method wherein the input from the client indicates to fast forward presentation of data content in the enhanced logical data stream to the client (e.g., fast forward) [Abstract].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 52 recites the same limitations as claim 38, is distinguished only by statutory category, and thus rejected on the same basis.

As per claims 39 and 53, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 37, wherein the input from the client indicates to rewind presentation of data content in the enhanced logical data stream to the client.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method

wherein the input from the client indicates to rewind presentation of data content in the enhanced logical data stream to the client is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method wherein the input from the client indicates to rewind presentation of data content in the enhanced logical data stream to the client (e.g., reverse play) [Abstract].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 53 recites the same limitations as claim 39, is distinguished only by statutory category, and thus rejected on the same basis.

As per claims 40 and 54, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 28 further comprising utilizing the metadata stored in the enhanced logical data stream to determine whether to suppress playing back an audio signal of the content stream.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising utilizing the metadata stored in the enhanced logical data stream to determine whether to suppress playing back an audio signal of the content stream is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method further comprising utilizing the metadata stored in the enhanced logical data stream to determine whether to suppress playing back an audio signal of the content stream (e.g., pause, index, and/or fast forward through 'unwanted program material') [col 1, L15-22].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 54 recites the same limitations as claim 40, is distinguished only by statutory category, and thus rejected on the same basis.

As per claims 41 and 55, Strasser in view of Kelly and in further view of Barton discloses a method as in claim 28, wherein the content stream includes commercials that are substantially presented in real time to the client regardless of input from the client.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method wherein the content stream includes commercials that are substantially presented in real time to the client regardless of input from the client is taught by Barton in a related endeavor.

Barton discloses as his invention a multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program [Abstract]. Specifically, Barton discloses the additionally recited feature of the method wherein the content stream includes commercials that are substantially presented in real time to the client regardless of input from the client (e.g., 'commercials') [col 1, L15-22].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Barton, for the motivation of providing a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs [col 1, L52-60].

Claims 55 recites the same limitations as claim 41, is distinguished only by statutory category, and thus rejected on the same basis.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser et al (hereinafter Strasser), U.S. Patent Publication Us 2003/0185238 A1 in view of Kelly et al (hereinafter Kelley), U.S. Patent Publication US 2006/0093315 A1 and in further view of Kovcevic et al (hereinafter Kovcevic), U.S. Patent Publication US 2002/0128823 A1.

As per claim 11, Strasser in view of Kelly and in further view of Kovcevic discloses a method as in claim 3 further comprising reserving data fields in the file for tracking the metadata.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method further comprising reserving data fields in the file for tracking the metadata is taught by Kovcevic in a related endeavor.

Kovcevic discloses as his invention system and methods for processing and parsing of transport stream data, and specifically to the parsing of audio stream data in a multiplexed data stream [Abstract] [0001]. Specifically, Kovcevic discloses the additionally recited feature of the method further comprising reserving data fields in the

file for tracking the metadata (e.g., Optional Fields / Reserved Fields) [Figs. 1, 3 and 6-12].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by Kovcevic, for the motivation of advantageously providing a system and method of receiving transport stream information that allows for more flexibility and improved performance in terms of data handling, data parsing, design implementation, data stream acquisition [0019].

5. Claims 16, 25, 32 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasser et al (hereinafter Strasser), U.S. Patent Publication Us 2003/0185238 A1 in view of Kelly et al (hereinafter Kelley), U.S. Patent Publication US 2006/0093315 A1 and in further view of McLaren et al (hereinafter McLaren), U.S. Patent 6,064,794.

As per claims 16, 25, 32, and 46, Strasser in view of Kelly and in further view of Kovcevic discloses a method as in claim 14, wherein generating metadata includes: generating offset information identifying location of time stamps supporting playback of the enhanced logical data stream.

With regards to the claim, while the combination of Strasser and Kelly discloses substantial features of the invention, the additionally recited feature of the method wherein generating metadata includes: generating offset information identifying location of time stamps supporting playback of the enhanced logical data stream is taught by McLaren in a related endeavor.

McLaren discloses as his invention a method providing various reproduction modes by controlled selection of replay locations, thereby facilitating selection within a video stream or between separate video streams derived for selected trick-play speeds [Abstract] [0001]. Specifically, McLaren discloses the additionally recited feature of the method wherein generating metadata includes: generating offset information identifying location of time stamps supporting playback of the enhanced logical data stream (e.g., BYTE_OFFSET_FOR_GOP) [Fig. 3] [col 4, L26 – col 5, L10].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Strasser and Kelly with the above said feature, as disclosed by McLaren, for the motivation of advantageously providing material, such as digitally compressed video, at speeds other than at normal play speed [col 1, L1-18].

Claims 25, 32, and 46 recites the same limitations as claim 16, are distinguished only by their statutory category, and thus rejected on the same basis.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.06(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2451

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451